

## Message Text

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ACTION EA-09

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C O N F I D E N T I A L SECTION 1 OF 4 KUALA LUMPUR 5161

EA ONLY

E.O. 11652: GDS  
TAGS: SHUM, MY  
SUBJECT: DRAFT HUMAN RIGHTS COUNTRY EVALUATION PLAN

REF: STATE 173142

1. DEPT. DRAFT OF SUBJECT PLAN RECEIVED AUGUST 2. WE  
AGREE WITH THE GENERAL THRUST OF THE DRAFT, BUT HAVE  
SOME PROBLEMS WITH DETAILS THROUGHOUT THE PLAN.  
THEREFORE, THIS TELEGRAM TRANSMITS OUR VERSION OF AN  
ENTIRE REVISED PLAN.

2. REVISED DRAFT:  
HUMAN RIGHTS--MALAYSIA

A. CONDITIONS OF HUMAN RIGHTS IN MALAYSIA

1. RESPECT FOR THE INTEGRITY OF THE PERSON  
THE RIGHTS OF LIFE, LIBERTY AND SECURITY OF PERSON ARE  
CUSTOMARILY OBSERVED IN MALAYSIA. EXCEPT FOR AN  
OCCASIONAL SENTENCE OF WHIPPING WITH A RATTAN CANE,  
TORTURE AND CRUEL, INHUMAN OR DEGRADING  
PUNISHMENT ARE  
NOT PRACTICES. THE RIGHT TO PUBLIC TRIAL AND A FAIR  
HEARING IS SAFEGUARDED IN ALL BUT A SMALL MINORITY OF  
CASES. SINCE MALAYSIA, A MEMBER OF THE BRITISH COMMON-  
WEALTH WITH A RECENT COLONIAL BACKGROUND, HAS MANY  
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FAMILIAR COMMON LAW FEATURES IN ITS LEGAL SYSTEM,  
MALAYSIA'S CONCERN FOR HUMAN RIGHTS GENERALLY COMES FROM  
THE SAME LEGAL AND POLITICAL WELLSPRINGS AS DOES OUR OWN.

THE MALAYSIAN GOVERNMENT IS, HOWEVER, ENGAGED IN AN  
ARMED STRUGGLE WITH THE COMMUNIST PARTY OF MALAYA (CPM)  
AND ITS OFFSHOOTS. UNSUCCESSFUL DURING THE LONG (1948-  
1960) AND BLOODY EMERGENCY, THE CPM RETIRED INTO THE THAI-

MALAYSIA BORDER REGIONS AS THE EMERGENCY CONCLUDED. IN 1968, HOWEVER, THE CPM ANNOUNCED ITS INTENTION TO RE-ESTABLISH ITS OLD UNDERGROUND NETWORKS IN MALAYSIA PREPARATORY TO A SECOND ATTEMPT TO TAKE OVER THE COUNTRY BY FORCE OF ARMS. THE PROCESS CONTINUES TO THIS DAY AND HAS INCLUDED ASSASSINATIONS AND ACTS OF TERRORISM AGAINST GOVERNMENT OFFICIALS AND CIVILIANS AS WELL AS GUERRILLA WARFARE IN JUNGLE AREAS. THE COMMUNAL SITUATION (THE POPULATION IS ABOUT 44 PERCENT MUSLIM MALAYA, 36 PERCENT CHINESE, 10 PERCENT INDIAN AND 10 PERCENT OTHER, WITH THE CHINESE GENERALLY MORE AFFLUENT THAN THE MALAYS AND THE MALAYS IN FIRM CONTROL OF THE POLITICAL SYSTEM) IS A SOURCE OF UNDERLYING TENSION IN MALAYSIAN SOCIETY. IN MAY, 1969, THIS TENSION EXPLODED IN RACIAL RIOTING IN WHICH HUNDREDS DIED, AND IT HAS BEEN A MAJOR CONCERN OF THE GOVERNMENT SINCE THEN TO AVOID A REPETITION.

THE PRESENCE OF THE CPM THREAT AND THE POTENTIAL FOR RACIAL UPHEAVAL HAVE RESULTED IN THE PERPETUATION OF EMERGENCY REGULATIONS ORIGINATING UNDER THE BRITISH WHICH MAKE LEGAL THE ARREST AND DETENTION WITHOUT OPEN TRIAL OF PERSONS SUSPECTED OF SUBVERSIVE ACTIVITY OR OTHER ACTIONS DETRIMENTAL TO THE DOMESTIC TRANQUILITY OF THE COUNTRY. THE REGULATIONS, KNOWN AS THE INTERNAL SECURITY ACT (ISA) AND THE EMERGENCY (PUBLIC ORDER AND PREVENTION OF CRIME) ORDINANCE, 1969 (EO) PROVIDE FOR PREVENTIVE DETENTION FOR UP TO TWO YEARS, AND A DETENTION

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ORDER CAN BE RENEWED.

A. PERSON DETAINED UNDER THESE EMERGENCY LAWS HAS NO RECOURSE TO THE COURTS IN THE ORDINARY SENSE, BUT AS SOON AS POSSIBLE AFTER HE HAS BEEN ARRESTED HE MUST BE TOLD WHY AND GIVEN A CHANCE TO ARGUE HIS CASE. IF HE CONTESTS HIS DETENTION, HE MUST WITHIN THREE MONTHS BE HEARD BY A ADVISORY BOARD. IF HIS DETENTION CONTINUES, HIS CASE IS PERIODICALLY REVIEWED BY THE APPEALS BOARD. IN MOST CASES THE USE OF THE ISA APPEARS TO FOLLOW A CYCLE OF ARREST, DETENTION, RECANTATION AND RESTORATION TO PUBLIC RESPECTABILITY, ALTHOUGH A SMALL NUMBER OF PRESUMED SUBVERSIVES HAVE BEEN HELD FOR YEARS WITHOUT TRIAL UNDER THE ISA. THE EO, WHILE ENACTED IN THE WAKE OF THE MAY 1969 RACIAL DISTURBANCES, HAS IN PRACTICE BEEN MOST OFTEN USED AGAINST NARCOTICS TRAFFICKERS AND OTHER SERIOUS CRIMINALS IN THE ABSENCE OF STRONG CONSPIRACY LAWS. THE NORMAL PATTERN FOR ENFORCING THE EO IS TWO-YEARS IMPRISONMENT FOLLOWED BY TWO YEARS OF "RESTRICTED RESIDENCE" IN A REMOTE AREA OF THE COUNTRY. IN ADDITION TO THE ISA AND THE EMERGENCY (PUBLIC ORDER AND PREVENTION OF CRIME) ORDINANCE, 1969, THE GOVERNMENT ALSO MAKES USE OF THE EMERGENCY (ESSENTIAL POWERS)

ORDINANCE 1969. THIS IS THE ENABLING LEGISLATION FOR THE ESSENTIAL (SECURITY CASES) REGULATIONS 1975, WHICH RESTRICTS THE RIGHTS OF THE ACCUSED IN "SECURITY CASE" TRIALS; E.G., BY ALLOWING IN-CAMERA TRIAL, UNIDENTIFIED WITNESSES AND A PRESUMPTION OF GUILT.

2. RESPECOCFOR CIVIL AND POLITICAL LIBERTIES

MALAYSIA IS A PARLIAMENTARY DEMOCRACY GENERALLY ALONG THE BRITISH MODEL, WITH A PRIME MINISTER AND CABINET RESPONSIBLE TO PARLIAMENT. THE HEAD OF STATE IS A CONSTITUTIONAL MONARCH, A KING WHO IS ELECTED FOR A FIVE-YEAR TERM BY THE SULTANS OF WEST MALAYSIA FROM AMONG THEIR OWN MEMBERS. THE BICAMERAL PARLIAMENT CONSISTS OF A SENATE (WITH BOTH APPOINTED AND ELECTED MEMBERS) AND AN ELECTED HOUSE OF REPRESENTATIVES, WHERE A SMALL BUT CONFIDENTIAL

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VOCAL OPPOSITION CRITICIZES THE GOVERNMENT REGULARLY. LEGISLATION POWER IS FURTHER DIVIDED BETWEEN FEDERAL AND STATE LEGISLATURES, AND STATE EXECUTIVE ADMINISTRATIONS ATTEND TO MATTERS OF LOCAL CONCERN. FREE AND HONEST ELECTIONS ARE HELD AS SPECIFIED BY THE CONSTITUTION, AND DOMESTIC POLITICAL LIFE IS VIGOROUS, THOUGH SOMEWHAT CIRCUMSCRIBED BECAUSE OF THE COMMUNAL BASIS OF POLITICS.

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C O N F I D E N T I A L SECTION 2 OF 4 KUALA LUMPUR 5161

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MALAYSIA'S GOVERNMENT HAS BEEN STABLE AND EFFECTIVE. IT REFLECTS, HOWEVER, IN THE COMMUNAL MAKEUP OF THE GOVERNING NATIONAL FRONT, THE TENSIONS BETWEEN ETHNIC

MALAY AND CHINESE CITIZENS WHICH ARE A CONTINUING POLITICAL FACT OF LIFE. THE RACE RIOTS OF 1969 LED TO THE SUSPENSION OF PARLIAMENTARY DEMOCRACY FOR TWO YEARS. SINCE THEN BY CONSTITUTIONAL AMENDMENT, CERTAIN "SENSITIVE" TOPICS MAY

NO LONGER BE DISCUSSED IN PUBLIC OR IN PARLIAMENT:

- THE SPECIAL POSITION OF THE MALAYS
- THE SOVEREIGNTY OF THE RULERS
- THE NATIONAL LANGUAGE AND THE USE OF OTHER LANGUAGES
- THE LEGITIMATE INTERESTS OF NON-MALAYS
- QUALIFICATIONS FOR CITIZENSHIP

A STATE OF EMERGENCY WAS PROCLAIMED DURING THE COMMUNAL RIOTING IN ACCORDANCE WITH EXISTING LAW AND CONTINUES TO BE IN EFFECT

THE EMERGENCY LAWS ARE DESIGNED TO REDUCE THE RISK OF COMMUNAL OUTBREAK BY FORBIDDING THE PUBLIC DISCUSSION OR EXPLOITATION OF CONSTITUTIONALLY SENSITIVE MATTERS.

MALAYSIA'S PECULIAR COMMUNAL MAKEUP AND POLITICAL HISTORY HAVE ALSO LED TO A LEGALLY-SANCTIONED PATTERN OF PERVASIVE "SPECIAL RIGHTS" FOR MALAYS, AMONG WHICH ARE EXCLUSIVE RIGHTS TO THE OWNERSHIP OF LARGE AREAS OF LAND IN THE COUNTRY AND

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QUOTAS FOR PUBLIC SERVICE EMPLOYMENT, SCHOOLING AND BUSINESS LICENSING. THE EXCLUSIVE USE OF MALAY AS THE NATIONAL LANGUAGE AND CONSTITUTIONAL PROVISIONS FOR WEIGHTING ELECTORAL CONSTITUENCIES BY LAND AREA AS WELL AS POPULATION, (THUS LEADING TO LIGHTLY POPULATED, PREDOMINANTLY MALAY, RURAL CONSTITUENCIES), ARE DE FACTO DISCRIMINATORY MEASURES IN FAVOR OF THE MALAYS. THIS PATTERN IS DEEPLY RESENTED BY MANY NON-MALAYS AS A VIOLATION OF THEIR CIVIL LIBERTIES, HOWEVER, IT SHOULD BE NOTED THAT THE BASIC PRINCIPLE OF AFFIRMATIVE ACTION ON A MASSIVE SCALE IS NOT PUBLICLY CHALLENGED BY ANY OF MALAYSIA'S COMMUNAL-BASED POLITICAL PARTIES.

MALAYSIA IN GENERAL OBSERVES FREEDOM OF MOVEMENT, ALTHOUGH HER CONSTITUTIONAL ARRANGEMENTS PRESERVE A POSSIBLY UNIQUE FEATURE OF HER FEDERAL STRUCTURE-THE EAST MALAYSIAN STATES OF SABAH AND SARAWAK, SITUATED HUNDREDS OF MILES FROM PENINSULAR MALAYSIA ON THE ISLAND OF BORNEO, RETAIN COMPLETE CONTROL OVER THEIR OWN IMMIGRATION POLICIES, INCLUDING FELLOW MALAYSIAN CITIZENS FROM OTHER STATES.

THE PRESS IS SUBJECT TO INDIRECT CONTROL BY THE GOVERNMENT AND SO CANNOT BE CALLED GENUINELY FREE. THE ACTIVITIES AND STATEMENTS OF OPPOSITION POLITICAL FIGURES ARE REPORTED ACCURATELY, AND DOMESTIC POLITICS IN GENERAL IS COVERED THOROUGHLY. THERE IS NO FORMAL CENSORSHIP, OTHER THAN THE ABOVE-MENTIONED CONSTITUTIONAL

PROHIBITIONS AGAINST DISCUSSION OF CERTAIN ETHNICALLY LOADED TOPICS. AT THE SAME TIME, THE PRESS IS SUBJECT TO LICENSING UNDER THE PRINTING PRESS ORDINANCE OF 1948. WHILE THE THREAT OF WITHDRAWAL OF LICENSE IS RARELY USED, THE PRESS IS CIRCUMSPECT IN ITS TREATMENT OF THE GOVERNMENT AND AVOIDS DIRECT CRITICISM.

3. RECENT TRENDS

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THE MAIN THRUST OF THE THIRD MALAYSIA PLAN, THE CURRENT FIVE-YEAR DEVELOPMENTAL PLAN THAT WAS ANNOUNCED IN MID-1976, IS THE ALLEVIATION OF RURAL POVERTY IN ALL OF ITS ASPECTS. THIS LOGICALLY FOLLOWS EARLIER DEVELOPMENTAL EFFORTS, WHICH CONCENTRATED ON THE BROADENING OF ESSENTIAL SERVICES AND INDUSTRIAL INFRASTRUCTURE.

MALAYSIA IS NOT A "HAVE-NOT" COUNTRY. IT IS A MIDDLE-INCOME DEVELOPING COUNTRY (THIRD IN ALL ASIA IN PER-CAPITA GNP, AFTER JAPAN AND SINGAPORE), AND THE WORLD'S LEADING SUPPLIER OF SEVERAL PRIMARY COMMODITIES, INCLUDING TIN AND NATURAL RUBBER. POLITICAL CORRUPTION, WHILE NOT ABSENT FROM THE MALAYSIAN SCENE, IS NOT A WAY OF LIFE, AND GRAFT IS PROBABLY PRACTICED ON A LEVEL APPROXIMATING THE STATE OF THE ART IN SOME WESTERN COUNTRIES. PRIME MINISTER HUSSEIN, A LAWYER, IS AN UPRIGHT MAN WHO IS PERSONALLY OFFENDED BY CORRUPT PRACTICES. HE HAS VIGOROUSLY PUSHED THE CRIMINAL PROSECUTION FOR CORRUPTION OF A POPULAR POLITICAL FIGURE IN HIS OWN PARTY DESPITE THE POLITICAL RISKS.

4. GOVERNMENT RESPONSIBILITY AND INVESTIGATIONS

OVER THE PAST TWENTY YEARS OF MALAYSIA'S INDEPENDENCE, AND DESPITE THE DRAIN CAUSED BY THE COMMUNIST INSURGENCY, THE COUNTRY HAS MADE TREMENDOUS ECONOMIC STRIDES WITH THE RESULT THAT IT IS ONE OF THE MOST PROSPEROUS OF THE DEVELOPING COUNTRIES. IN ITS REAL CONCERN FOR RAISING THE STANDARD OF LIVING OF ALL ITS CITIZENS, AS WELL AS IN ITS CONDUCT OF WHAT AMOUNTS TO A COALITION FORM OF GOVERNMENT ALONG COMMUNAL LINES WITHIN A PARLIAMENTARY SYSTEM, HUMAN RIGHTS ARE AN ACCEPTED REALITY RATHER THAN A STATED GOAL.

IN THIS REGARD, WE NOTE THAT REHABILITATION OF CPM MEMBERS IS A CONCEPT THAT IS PARTICULARLY MARKED. IN SARAWAK, FOR EXAMPLE, THE COMMUNIST GUERRILLA MOVEMENT LOST MOST OF ITS LEADERSHIP AND TWO-THIRDS OF ITS MEMBERS WHEN OVER 400 TERRORISTS SURRENDERED IN 1974 UNDER OPERATION SRI AMAN. AN EMBASSY OFFICIAL WHO RECENTLY

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VISITED THERE REPORTS THAT ALL BUT A HANDFUL OF THIS NUMBER ARE NOW ACTIVELY PARTICIPATING IN CIVILIAN LIFE AFTER A PERIOD OF REEDUCATION AND TRAINING.

MALAYSIA HAS NOT PARTICULARLY ATTRACTED OUTSIDE INVESTIGATIONS ON ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS, ALTHOUGH DOMESTIC ACTIVISTS HAVE IN FACT MET IN KUALA LUMPUR AND THE CAUSES OF SEVERAL INDIVIDUALS DETAILED WITHOUT TRIAL HAVE BEEN RAISED IN THE U.S. AND ELSEWHERE. MALAYSIAN NEWSPAPERS REPORT ON VIOLATIONS OF LEGAL STANDARDS AND ACT AS INFORMAL OMBUDSMEN-AS DO THE OPPOSITION WITHIN THE MALAYSIAN PARLIAMENT AND THE VERY ACTIVE BAR ASSOCIATIONS.

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C O N F I D E N T I A L SECTION 3 OF 4 KUALA LUMPUR 5161

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#### B. ANALYSIS AND RECOMMENDATIONS

WE HAVE MONITORED CONDITIONS IN MALAYSIA AND WOULD BE CONCERNED IF THERE WERE ANY SERIOUS DETERIORATION IN THE SITUATION THERE. AT THE PRESENT TIME, ALTHOUGH NOT WITHOUT ITS FLAWS AND CRITICS, WE BELIEVE THAT THE MALAYSIAN GOVERNMENT RECORD OF HUMANE TREATMENT OF ITS CITIZENS IS SUBSTANTIALLY ABOVE THAT OF THE AVERAGE OUTSIDE OF NORTH AMERICA AND WESTERN EUROPE. ONE OF TWO PRESENTLY UNFORESEEN CONTINGENCIES COULD UPSET THIS PICTURE. EITHER A SERIOUS SET OF ECONOMIC DISLOCATIONS COULD PRODUCE SHOCK WAVES IN MALAYSIA'S EXPORT-ORIENTED ECONOMY, LEADING TO UNEMPLOYMENT AND A DETERIORATING SOCIAL SITUATION RESULTING IN COMMUNAL HOSTILITY, OR A SHARPLY-INCREASED TEMPO OF TERRORIST ACTIVITY MIGHT CAUSE INCREASED USE OF THE ISA. NEITHER OF THESE SEEMS VERY LIKELY AT PRESENT.

OUR SPECIFIC LEVERAGE WITH MALAYSIA IS SLIGHT. MALAYSIA

RECEIVES SOME EXIM BANK LOANS AND HAS A SMALL (\$500 THOUSAND) PROGRAM OF GRANT MILITARY TRAINING TOGETHER WITH A VARYING AMOUNT OF FMS MILITARY CREDIT. THE MALAYSIAN GOVERNMENT VALUES OUR 200-VOLUNTEER PEACE CORPS PROGRAM. HOWEVER, IT RECEIVES NO ECONOMIC AID FROM US. SINCE WE HAVE ALREADY ANNOUNCED THAT WE WILL NOT SUPPORT IFI LOANS FOR MALAYSIA FOR THEIR PALM OIL INDUSTRY FOR EXPORT PURPOSES BECAUSE PALM OIL COMPETES  
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EFFECTIVELY WITH OUR OWN VEGETABLE OILS, THAT SMALL LEVER IS NOT AVAILABLE. ON THE OTHER HAND, MALAYSIA IS OUR OWN LEADING SOURCE OF TIN AND NATURAL RUBBER, AND IS THE WORLD'S LEADING PRODUCER OF SEVERAL OTHER PRIMARY COMMODITIES. THE STRATEGIC STRAIT OF MALACCA-WHICH IS JAPAN'S OIL LIFELINE FROM THE MIDDLE EAST-ADJOINS THE WEST COAST OF PENINSULAR MALAYSIA.

ALL IN ALL, THE MAIN LIMITATIONS ON FUTURE MALAYSIAN MISCONDUCT IN THE HUMAN RIGHTS AREA SHOULD ANY MALAYSIAN LEADER VENTURE IN THAT DIRECTION-ARE SELF-IMPOSED. MOST, ALTHOUGH NOT ALL, OF THE DEFICIENCIES DISCUSSED ABOVE AFFECT NON-MALAY, ESPECIALLY CHINESE CITIZENS. THE CPM IS LARGELY ETHNICALLY CHINESE, AND MALAYSIA'S LARGE CHINESE MINORITY, A POTENTIAL AND OBVIOUS RECRUITMENT SOURCE OF THE CPM, WATCHES ITS OWN GOVERNMENT'S POLICIES CAREFULLY. MISCALCULATIONS IN THE HUMAN RIGHTS AREA WOULD RISK SWELLING THE RANKS OF THE CPM AND GREATLY WORSEN THE UNDERLYING COMMUNAL TENSION. NO POLITICAL LEADER IN MALAYSIA OF ANY STANDING OR SENSE WANTS THIS TO HAPPEN.

OUR BEST POSTURE ON HUMAN RIGHTS IN MALAYSIA REMAINS TO CONTINUE FOCUSING THE MALAYSIAN GOVERNMENT'S ATTENTION ON OUR OWN HUMAN RIGHTS CONCERNS AND POLICY. OUR EMBASSY IN KUALA LUMPUR HAS HAD FREQUENT EXCHANGES ON THE SUBJECT, AS WE DO HERE IN WASHINGTON WITH MALAYSIAN EMBASSY OFFICIALS AND PROMINENT VISITORS. THE MALAYSIANS MAINTAIN A PUBLIC POSTURE OF CONFIDENCE IN THEIR HUMAN RIGHTS RECORD, ALTHOUGH THEY DO SHOW SOME SENSITIVITY TO OUR CONCERNS IN PRIVATE.

THE ONE AREA IN WHICH THE MALAYSIAN'S CURRENT PRACTICE DEPARTS SIGNIFICANTLY FROM NORTH AMERICAN/WESTERN EUROPEAN NORMS IS IN THE USE OF EMERGENCY REGULATIONS FOR DETENTION WITHOUT TRIAL. THESE ARE APPLIED IN ACCORDANCE WITH EXISTING LAWS PASSED BY THE PARLIAMENT,  
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AND AS LONG AS THE COMMUNIST INSURENGY CONTINUES AND

THE GOVERNMENT FEELS THE COUNTRY IS THREATENED BY DRUG ABUSE AND COMMUNAL VIOLENCE, THERE IS NO PROSPECT THAT OUTSIDE ENCOURAGEMENT OR PRESSURE WILL LEAD THEM TO ABANDON THESE REGULATIONS. TO THE CONTRARY, THEY HAVE JUST RECEIVED WHAT THEY WOULD CONSIDER THE STRONGEST LEGAL BACKING FOR CONTINUED USE OF THE EMERGENCY REGULATIONS FROM A SOURCE WHOSE JUDGEMENT THEY RESPECT MORE THAN THE UNITED STATES GOVERNMENT: THE HIGHEST JUDICIAL BODY IN THE COMMONWEALTH, THE PRIVY COUNCIL IN LONDON HANDED DOWN DECISIONS IN MAY OF THIS YEAR SPECIFICALLY UPHOLDING DETENTION ORDERS UNDER BOTH THE INTERNAL SECURITY ACT AND THE EMERGENCY ORDINANCE.

AS FAR AS MALAYSIA'S OWN HUMAN RIGHTS PERFORMANCE IS CONCERNED, ACCORDINGLY, THE MOST PRODUCTIVE COURSE OF ACTION WOULD BE THE CONTINUED REITERATION TO THE MALAYSIAN GOVERNMENT AND OTHER INFLUENTIAL MALAYSIANS OF THE GREAT IMPORTANCE WE ATTACH TO IMPROVED HUMAN RIGHTS GLOBALLY, TOGETHER WITH A CONTINUED MONITORING BY THE EMBASSY OF THE SITUATION IN MALAYSIA.

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THERE REMAINS THE QUESTION OF WHETHER THE MALAYSIAN GOVERNMENT COULD BE PERSUADED TO ADD ITS VOICE OR ITS MORAL WEIGHT TO OUR EFFORTS IN THE FIELD OF HUMAN RIGHTS ELSEWHERE. HERE, PROSPECTS APPEAR LESS THAN PROMISING. AMONG THE NATIONS WITH WHOM THE MALAYSIANS MAINTAIN SPECIALLY CLOSE RELATIONS ARE, FIRST OF ALL, INDONESIA AND, SECONDLY, THE MORE MODERATE ARAB STATES OF THE MIDDLE EAST. AS A MATTER OF POLICY, THE MALAYSIAN GOVERNMENT INVARIABLY SUPPORTS BOTH IN INTERNATIONAL FORUMS AND WOULD NOT LEND ITSELF TO CRITICISM OF EITHER IN THE HUMAN RIGHTS FIELD. MALAYSIA'S RELATIONSHIP WITH



INDONESIA HAS ADDED STILL A FURTHER COMPLICATING FACTOR. INDONESIA IS ONE OF THE COUNTRIES MOST FREQUENTLY CRITICIZED BY PRIVATE AND U.S. CONGRESSIONAL SOURCES ACTIVE IN THE HUMAN RIGHTS FIELD. PUBLICLY MALAYSIA HAS AVOIDED TAKING ANY PART IN THIS EXCHANGE, MAINTAINING ITS POSTURE OF CLOSE FRIENDSHIP FOR INDONESIA WHILE SAYING NOTHING ABOUT INDONESIA'S HUMAN RIGHTS PERFORMANCE. PRIVATELY, HOWEVER, SENIOR MALAYSIANS HAVE EXPRESSED CONCERN AND SOME RESENTMENT OVER OUTSIDE CRITICISM OF INDONESIA, AND THIS HAS CONTRIBUTED TO A CERTAIN GENERAL SKEPTICISM REGARDING OPEN ADVOCACY OF HUMAN RIGHTS ON THE PART OF OTHER GOVERNMENTS.

THUS, MALAYSIA IS NOT LIKELY TO RESPOND FAVORABLY TO EFFORTS ON OUR PART TO OBTAIN ITS ASSISTANCE IN  
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PROMOTING HUMAN RIGHTS ELSEWHERE. ON THE OTHER HAND, RAISING THIS SUBJECT WITH THE MALAYSIANS--IF SENSITIVELY DONE AND IF CASE IS TAKEN NOT TO INCLUDE INDONESIA OR THE ARABS AMONG OUR PROPOSED TARGETS--COULD HAVE A SALUTORY EFFECT IN (A) KEEPING THE MALAYSIANS AWARE OF OUR CONTINUED DEDICATION TO THE IMPROVEMENT OF HUMAN RIGHTS ON A GLOBAL SCALE, AND (B) DEMONSTRATING TO THEM AN INTEREST IN OUR PART IN WORKING WITH OTHER DEMOCRATIC GOVERNMENTS ON IMPORTANT GLOBAL ISSUES. WE SHOULD NOT, HOWEVER, MEASURE THE SUCCESS OF THESE CONSULTATIONS BY THE DEGREE OF SUPPORT WE GET FROM THE MALAYSIANS. THE REWARD SHOULD BE A GRADUALLY INCREASING ACCEPTANCE BY THE MALAYSIANS OF HUMAN RIGHTS AS A VALID GLOBAL CONCERN AND A NORMAL SUBJECT OF DISCUSSION BETWEEN GOVERNMENTS, TWO CONCEPTS THEY DO NOT AT PRESENT SHARE WITH US.

OUR ACTION PROGRAM THUS FOCUSES ON THREE ACTIVITIES, ALL OF WHICH ARE IN ESSENCE "TARGET OF OPPORTUNITY" ACTIVITIES:

1. CONTINUED EMPHASIS BY THE AMBASSADOR, OTHER EMBASSY OFFICERS, AND DEPARTMENT OF STATE OFFICIALS ON THE U.S. INTERESTS IN, AND COMMITMENT TO GLOBAL HUMAN RIGHTS IN THEIR DISCUSSIONS WITH THEIR MALAYSIAN COUNTERPARTS.

2. SELECTIVE APPROACHES TO THE MALAYSIAN GOVERNMENT, ASKING THEIR SUPPORT IN CAREFULLY SELECTED INITIATIVES THAT WE ARE UNDERTAKING IN INTERNATIONAL FORUMS TO PROMOTE HUMAN RIGHTS IN OTHER PART OF THE WORLD.

3. EMPHASIS WHERE POSSIBLE IN OUR USIS PROGRAMMING ON U.S. HUMAN RIGHTS CONCERNS AND POLICY.

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